



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Vernal Field Office

170 South 500 East

Vernal, Utah 84078

(435) 781-4400 Fax: (435) 781-4410

<http://www.ut.blm.gov/utah/vernal>

66354-5/047/048
66355-
66356-5/047/051
66357-5/047/050
66358-5/047/049

IN REPLY REFER TO:

3809

UT08300

66353, et al

JUN 04 2003

Wayne Hedberg

Utah Division of Oil, Gas and Mining

1594 West North Temple, Suite 1210

Box 145801

Salt Lake City, Utah 84114-5801

Dear Wayne:

Enclosed are copies (cc's) of seven notice expiration decisions. Each decision was issued because the operator of record failed to notify this office of their intent to extend [the existing notice for an additional two years under the final surface management regulations]. UDOGM permit numbers are indicated. I could not find permit numbers associated with cases UTU66354, 66355 and 66366 [though our office conducted reclamation in the matter of the former]. Expired notices UTU66357 and UTU66358, two separate [3809] operations and which have cumulative unreclaimed disturbances in excess of 5 acres, share the same permit number.

Please let me know if you have any questions.

Sincerely,

Pete Sokolosky
Geologist

enclosures

RECEIVED
JUN 09 2003
DIV. OF OIL, GAS & MINING



United States Department of the Interior

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5/047/050

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JUN - 9 2003

DIV. OF OIL, GAS & MINING

IN REPLY REFER TO:

3809

(UT08300)

U66358

JUN 04 2003

Certified Mail

Return Receipt Requested

No. 7002 2030 0004 3215 7947

Hiko Bell Mining & Oil Company

P.O. Box 1845

Vernal, Utah 84078

: Notice UTU66358; T.5S., R.24E.

: Section 6 [northwestern part of]

: Lot 13 (Salt Lake Meridian)

Notice Expired Reclamation Required

Notice, UTU-66358 was filed with this office on July 14, 1988. The Surface Management regulations, 43 CFR 3809.333, require that an operator wishing to extend his/her notice which was on file as of January 20, 2001, notify the BLM in writing on or before the expiration date, January 20, 2003, and meet the financial guarantee requirements of 43 CFR 3809.503. The Bureau of Land Management (BLM) did not receive written notification that you wish to extend your UTU-66358 by January 20, 2003 (extended to January 21, 2003 due to a federal holiday). Because you have not met the requirements under §3809.333, your notice, UTU66358, expired on January 20, 2003.

Pursuant to 43 CFR 3809.335, you must immediately cease all operations with the exception of reclamation. An inspection of the site subject to your notice on March 27, 2003 revealed reclamation obligations. To ensure that you meet the standards described in 3809.1-3 (d), the following items must be completed (these reclamation requirements were part of a certified notice of noncompliance dated November 14, 2000 along with extensions of time to reclaim issued May 10, 2001; June 29, 2001; August 10, 2001 and November 15, 2001; as well as our April 14, 1999 correspondence regarding reclamation; copies can be obtained by contacting Peter Sokolosky at this office):

1. All trash, litter and man made materials shall be removed from the public lands. Unwanted materials must be disposed of in an approved disposal facility (i.e., landfill or other vendor permitted to accept such material). None of this material may be buried as part of earthwork.

2. To abate the spreading of noxious weeds and invasive (nonnative) plant species (both Federally listed and Uintah County listed species which require control; see list in enclosure 1), Hiko Bell shall conduct a pre-earthwork inventory for such plants (in or near the disturbances) and shall take measures to control such (through physical removal or chemical treatment). Hiko Bell shall consult with the Vernal Field Office weed control specialist (781-4400) about the best control method in advance (a permit to apply herbicides is required in advance if that method is used). Hiko Bell is responsible for monitoring and control of noxious/invasive weeds at the project area until such time as the BLM finds the reclamation to be acceptable and the notice is closed.

3. Disturbances within the project area shall be reshaped to pre-disturbance contour. This includes, but is not limited to the following:

Removal of material placed in drainages (such as the cobble material in two drainages in the northern part of the project area, the cobble dam and settled sediment in the drainage at the western part of the project area and pit-run material pushed into a drainage in the southeastern corner of the project area) for use in recontouring;

reestablishing the ridge that extended west of the existing high wall [along the eastern side of the project area] by placing processed reject material (e.g., cobble material filling parts of drainages) against it. Note, Hiko Bell may not cut back the high wall to the east in order to reduce its slope;

filling cuts (such as the road cut north of the dammed drainage in the western part of the project area); and

restoring, by scarifying (to relieve compaction) and seeding two roads (one* that runs northward and terminates in the Haslem reshaped project area (case UTU66354) and the other that runs westward and junctions with an existing north-south road; the reclamation of the former must be conducted prior to the removal of cobble materials in the two drainages north of the high wall)

Hiko Bell is referred to figures (enclosures 2-4) to the August 10, 2001 decision for more detail regarding the location of drainages, roads, stockpiles and other salient features.

4. Contouring shall be followed by the redistribution of topsoil or other growth medium. Topsoil was stockpiled in the south part of the disturbed area. Some pit run material is also stockpiled (southern and northeastern part of the project area) that may contain suitable growth medium. No topsoil or growth medium from sources outside the project area may be imported nor soil amendments (to aid in the growth of plants) applied as part of reclamation without obtaining the prior approval of the Vernal Field Office.

5. Redistribution of topsoil and growth medium shall be followed by the application [by drilling] of the following variety of plant seed.

common name	scientific name	pounds per acre
Indian Ricegrass	Oryzopsis hymenoides	3
Needle and Thread grass	Stipa comata	2
Shadscale	Atriplex confertifolia	3
Fourwing Saltbush	Atriplex canescens	4

The pounds per acre rate must be doubled if seed is broadcast. If seed is broadcast, it must be promptly covered through harrowing, disking or the like after application. The post-seeding surface may be left a bit rough (should not be left flat). The pounds per acre cited above is in pure live seed – PLS. Seed used in reclamation must be noxious weed free (as per Utah Department of Agriculture regulations). The seed vendor who provided the seed must provide Hiko Bell written confirmation of the content of the seed used, including percent PLS along with a statement that it meets Utah Department of Agriculture requirements as being noxious weed free. Hiko Bell shall provide to the Vernal Field Office a copy of these documents within 5 working days of the initiation of seeding.

6. Equipment used in the reclamation process shall not be maneuvered, past one equipment length, on undisturbed ground outside the bounds of existing disturbances (to avoid disturbing nearby established vegetation or causing more ground disturbance). Areas disturbed by such equipment maneuvering shall be reshaped using hand tools. Construction of earthen unloading-loading ramps outside the project area is not allowed. Hiko Bell is responsible for the removal and proper disposal of any ground contaminated by spills of vehicle and equipment fuel, lubricants, antifreeze and battery acid that happens during the conduct of reclamation.

You must notify Peter Sokolosky or Howard Cleavinger of this office (435 781-4400) before you start reclamation and again upon completion of reclamation. BLM will schedule an inspection to verify whether you have met your reclamation obligations and notify you promptly in writing of the results of the inspection and close your notice if appropriate.

Your reclamation obligation continues beyond the expiration of your notice until such time as BLM determines that the reclamation is satisfactorily completed. Failure to begin reclamation promptly or to conduct reclamation to BLM specified standards is subject to the enforcement actions specified in 43 CFR 3809.601 to 43 CFR 3809.701.

If you wish to resume operations you may postpone reclamation if you file either a new notice pursuant to 43 CFR 3809.301 or a plan of operations pursuant to 43 CFR 3809.401 within 30 days from receipt of this decision. The performance standards outlined in 43 CFR 3809.420 and the financial guarantee requirements provided in 43 CFR 3809.500, et seq., applies to both notices and plans. The notice must be accepted or the plan of operations must be approved and a financial guarantee accepted prior to any additional earth disturbing activities occurring at this site. If the newly submitted notice is not accepted or the plan of operations is not approved or you do not timely post the appropriate financial guarantee as requested for either a notice or a plan of operation, you must begin reclamation within 30 days of BLM's decision finding that the new notice or plan of operations or financial guarantee is incomplete or unacceptable.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (Vernal Field Office, 170 South 500 East, Vernal, Utah 84078) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

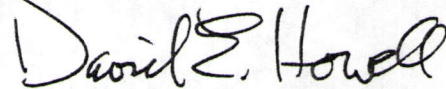
If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Sincerely,

A handwritten signature in black ink that reads "David E. Howell". The signature is written in a cursive style with a large, sweeping "D" and "H".

David E. Howell
Field Manager

enclosure: Form 1842-1

cc: Wayne Hedberg, DOGM (S/047/50)



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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Vernal, Utah 84078
(435) 781-4400 Fax: (435) 781-4410
<http://www.ut.blm.gov/utah/vernal>

5/047/050

IN REPLY REFER TO:
3809
(UT08300)
U66357

JUN 04 2003

RECEIVED

JUN - 9 2003

DIV. OF OIL, GAS & MINING

Certified Mail
Return Receipt Requested
No. 7002 2030 0004 3215 6513

Bluebell Oil Company
3350 County Road #102
Rangely, Colorado 81648

: Notice UTU66357
: T.5S., R.24E., Sec. 6 [western part of]
: Lot 8 (Salt Lake Meridian)

Notice Expired Reclamation Required

Notice, UTU-66357 was filed with this office on September 14, 1988. The Surface Management regulations, 43 CFR 3809.333, require that an operator wishing to extend his/her notice which was on file as of January 20, 2001, notify the BLM in writing on or before the expiration date, January 20, 2003, and meet the financial guarantee requirements of 43 CFR 3809.503. The Bureau of Land Management (BLM) did not receive written notification that you wish to extend your UTU-66357 by January 20, 2003 (extended to January 21, 2003 due to a federal holiday). Because you have not met the requirements under 43 CFR 3809.333, your notice, UTU66357, expired on January 20, 2003.

Pursuant to 43 CFR 3809.335, you must immediately cease all operations with the exception of reclamation. An inspection of the site subject to your notice on March 27, 2003 revealed reclamation obligations. To ensure that you meet the standards described in 3809.1-3 (d), the following items must be completed (these reclamation requirements were part of a certified notice of noncompliance dated November 14, 2000 (along with extensions of time to reclaim issued May 10, 2001; June 29, 2001; August 10, 2001 and November 15, 2001) as well as our April 14, 1999 correspondence regarding reclamation; copies can be obtained by contacting Peter Sokolosky at this office):

1. All trash, litter, and ground contaminated with spilled oils or lubricants shall be removed from the public lands and disposed of in an approved disposal facility (i.e., landfill or other vendor permitted to accept such wastes). A buried metal conduit with de-energized electrical wires comes to the surface near a power pole about 60 feet south of the project area and in the west-central part of the disturbed area. The conduit near the power pole

shall be cut off at least three foot below ground level. As much wire as possible should be pulled from the north end of the conduit (tie or chain it to a piece of equipment that would be used to conduct the earthwork) followed by the cutting of that conduit at a depth of three feet. Except for the remaining conduit, no manmade materials are to be buried in the conduct of earthwork.

2. To abate the spreading of noxious weeds and invasive (nonnative) plant species (both Federally listed and Uintah County listed species which require control), Bluebell Oil Company shall conduct a pre-work inventory for such plants (in or near the disturbances) and shall take measures to control such (through physical removal or chemical treatment). Bluebell Oil Company shall consult with the Vernal Field Office weed control specialist (781-4400) about the best control method in advance (a permit to apply herbicides is required in advance if that method is used). Bluebell Oil Co. is responsible for monitoring and control of noxious/invasive weeds at the project area until such time as the BLM finds the reclamation to be acceptable and the notice is closed.

3. Disturbances within the project area shall be reshaped to pre-disturbance contour; i.e., depressions (such as the dried pond area in the west side) shall be filled and mounds (such as the earthen ramps used for loading of the grizzly screen and placer processing plant feeder hopper that once occupied the west part of the project area) shall be leveled (with the exception of the mound of topsoil in the north-central part of the project area, see item 4 below. The two-track roads that flank the north and south sides of the disturbed areas shall not be reclaimed.

4. Contouring shall be followed by the redistribution of topsoil or other growth medium. Topsoil was windrowed along the north-central part of the disturbed area. Some material in the earthen ramps (west-central part of the project area) may contain suitable growth medium (i.e., the fines within the pit-run material used in the making of the ramps). No topsoil or growth medium from sources outside the project area may be imported or soil amendments (to aid in the growth of plants) shall be added without first obtaining the approval of the Vernal Field Office.

5. Redistribution of topsoil and growth medium shall be followed by the application of the following variety of plant seed.

common name	scientific name	pounds per acre
Indian Ricegrass	Oryzopsis hymenoides	3
Needle and Thread grass	Stipa comata	2
Shadscale	Atriplex confertifolia	3
Fourwing Saltbush	Atriplex canescens	4

The lbs/acre rate must be doubled if seed is broadcast. If seed is broadcast, it must to be promptly covered through harrowing, disking or the like immediately after application. The post-seeding surface may be left a bit rough (should not be left flat). The pounds per acre cited above is in pure live seed – PLS. Seed used in reclamation must be noxious weed free (as per Utah Department of Agriculture regulations). The seed vendor who provided the seed must provide you written confirmation of the content of the seed used, including percent PLS along with a statement that it meets Utah Department of Agriculture

requirements as being noxious weed free. A copy of these documents shall be provided to the Vernal Field Office within 5 working days of the initiation of seeding.

6. Equipment used in the reclamation process shall not be maneuvered on undisturbed ground outside the project area (to avoid disturbing nearby established vegetation or causing more ground disturbance). Construction of earthen unloading-loading ramps outside the project area is not allowed. Bluebell Oil Co. is responsible for the removal and proper disposal of any ground contaminated by spills of vehicle and equipment fuel, lubricants, antifreeze and battery acid that happens during the conduct of reclamation.

You must notify Peter Sokolosky or Howard Cleavinger of this office (435 781-4501) before you start reclamation and again upon completion of reclamation. BLM will schedule an inspection to verify whether you have met your reclamation obligations and notify you promptly in writing of the results of the inspection and close your notice if appropriate.

Your reclamation obligation continues beyond the expiration of your notice until such time as BLM determines that the reclamation is satisfactorily completed. Failure to begin reclamation promptly or to conduct reclamation to BLM specified standards is subject to the enforcement actions specified in 43 CFR 3809.601 to 43 CFR 3809.701.

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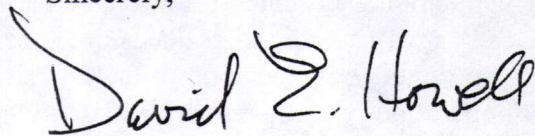
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2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Sincerely,

A handwritten signature in dark ink, reading "David E. Howell". The signature is fluid and cursive, with the first name "David" being the most prominent.

David E. Howell
Field Manager

enclosure: Form 1842-1

cc: Wayne Hedberg, DOGM (S/047/50)